

SENATE BILL No. 238

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-15.

Synopsis: Adult rated video games. Prohibits the sale or rental of certain video games to children. Provides affirmative defenses.

Effective: July 1, 2007.

Ford, Simpson

January 11, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 24-4-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 15. Violent and Sexually Explicit Video Games

Sec. 1. As used in this chapter, "sales clerk" means a person who:

- (1) transacts a sale or rental of a video game with the general public; and**
- (2) is not the owner, operator, or manager of a video game retailer.**

Sec. 2 As used in this chapter, "video game" means an object or a device that:

- (1) stores recorded data or instructions;**
 - (2) receives data or instructions generated by a person; and**
 - (3) processes the data or instructions;**
- to create an interactive game that may be played, viewed, or experienced on a computer, a gaming system, a console, or other**



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Sec. 3. As used in this chapter, "video game retailer" means a person who sells or rents a video game to the general public. The term does not include a sales clerk.

Sec. 4. A video game retailer who sells, rents, or permits another person to sell or rent a video game that is prepackaged and rated:

(1) M by the Entertainment Software Ratings Board to an individual less than seventeen (17) years of age; or

(2) AO by the Entertainment Software Ratings Board to an individual less than eighteen (18) years of age;

commits a Class B infraction.

Sec. 5. A sales clerk who knowingly or intentionally sells or rents a video game that is prepackaged and rated:

(1) M; or

(2) AO;

by the Entertainment Software Ratings Board to an individual less than eighteen (18) years of age, knowing that the individual is less than eighteen (18) years of age, commits a Class B infraction.

Sec. 6. It is an affirmative defense to an action brought under section 4 or 5 of this chapter that:

(1) the person who sells, rents, or causes another person to sell or rent a violent or sexually explicit video game to an individual in violation of section 4 or 5 of this chapter is:

(A) a parent;

(B) a grandparent; or

(C) a legal guardian;

of the individual; or

(2) the child who purchases or rents the violent or sexually explicit video game offers a false identification card purporting to show that the individual was the appropriate age to purchase or rent the video game, as set forth in section 4 or 5 of this chapter, if the false identification card could reasonably be mistaken for a valid identification card.

Sec. 7. It is an affirmative defense to an action brought against a video game retailer under section 4 of this chapter based on a sale or rental transacted by a sales clerk if:

(1) the sales clerk sells or rents a video game to an individual less than eighteen (18) years of age in violation of section 5 of this chapter; and

(2) the video game retailer was unaware of the age of the individual described in subdivision (1) at the time of the sale or rental.

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